

### **Remarks**

Claims 1-14 and 16-20 are presently pending in this application. Claims 1, 16, 19, and 20 are independent. In the Office Action of August 5, 2005, the Examiner finally rejected claims 1-14 and 16-20 based on Singer and in view of Keith. The Applicant traverses the rejections and respectfully requests reconsideration.

### **Rejection under 35 U.S.C. § 103**

In the previous Office Action Response filed on June 2, 2005, the Applicant requested to disqualify Singer as a reference based on M.P.E.P. §706.02(I)(1). According to M.P.E.P. §706.02(I)(1), subject matter that was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” As stated in the previous Office Action Response, the current application and the Singer reference were, at the time the invention of this application was made, jointly owned by Trading Technologies.

In the Office Action of August 5, 2005, the Examiner dismissed the Applicant’s arguments and stated that the Singer reference is not disqualified under M.P.E.P. §706.02(I)(1), because it also qualifies as a reference under 35 U.S.C. 102(a). The Applicant respectfully disagrees. According to MPEP 706.02(a)(III), for 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be the applicant’s own work. The Singer reference was published after the effective filing date of the present application. More specifically, Singer was published on September 30, 2004, while the present

application was filed on December 4, 2003. Thus, Singer is not available as prior art under 35 U.S.C. 102(a). The Applicant respectfully requests disqualification of Singer as a reference.

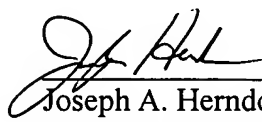
Based on the arguments presented in the previous Office Action Response, the Applicant respectfully submits that the presently pending claims are patentable over Keith, the second reference cited by the Examiner.

### **Conclusion**

In view of the reasons provided above, the Applicant submits that the invention as claimed in claims 1-14 and 16-20 patentably distinguish over the Keith reference. Therefore, the Applicant submits that each of these claims is in condition for allowance, and the Applicant respectfully requests favorable reconsideration. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Monika Dudek at (312) 476-1118 or the undersigned attorney/agent.

Respectfully submitted

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